

REMARKS

Claims 1-33 are pending in the application and stand rejected. Applicant thanks the Examiner for acknowledging the claim for foreign priority and considering the references cited with the Information Disclosure Statement filed on June 21, 2005.

However, because the Examiner has failed to indicate acceptance of the formal drawings, Applicant respectfully requests that the Examiner do so in the next Office Action.

Claim 2 is canceled by this Amendment without prejudice or disclaimer.

Claim Rejections - 35 U.S.C. § 103

Claims 1-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dusterhoft¹ (US 2002/0062161) in view of well-known molding techniques.

In the Office Action, the Examiner briefly outlines the rejection alleging:

Dusterhoft teaches a method and apparatus for a free expansion (see Figs. 2 and 7). Dusterhoft does not teach the specifically claimed temperature function. It is generally well known in the art that temperatures above the glass transition temperature must be reached in order to form the desired finished product. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use generally well known molding techniques, or routine experimentation, to modify the method taught by Dusterhoft and heat the container to temperatures above the glass transition temperature in certain locations thereon. This would allow for deformation more quickly and easily.

(Office Action, p. 2).

In response, Applicant submits Dusterhoft fails to disclose “controlling at least one injection parameter of the fluid so that the final internal volume of the container falls within predetermined limits with respect to a reference volume,” as recited in claim 1.

Specifically, Dusterhoft discloses controlling the local deformation of a portion of a thin side wall 2 in order to meet a certain geometry in that location. (par. [0048]; see Fig. 2). No

¹ Cited in the IDS filed June 21, 2005.

portion of Dusterhoft is directed to controlling the volume of the container; rather, Dusterhoft is directed to the shaping of a portion of a body without using a form. Volumetric control is not even contemplated by Dusterhoft.

Consequently, Applicant submits claim 1 is allowable for at least this reason. Additionally, because claim 22 recites a similar feature, Applicant submits this claim is allowable for the same reasons set forth above with regard to claim 1. Additionally, Applicant submits claims 3-21 and 23-33 are allowable, at least by virtue of their dependency.

Additionally, with regard to claims 3 and 23, Applicant also submits Dusterhoft fails to disclose controlling at least one injection parameter of the fluid based on the temperature of said areas of the preform. In particular, Dusterhoft fails to disclose using any temperature variables for control. Rather, Dusterhoft uses a defined application of energy based on an energy profile that is derived from a difference of a desired geometry and an actual geometry. (par. [0048]).

Regarding claims 5 and 26, Applicant submits Dusterhoft fails to disclose controlling the flow rate during injection. Specifically, Dusterhoft merely uses air of a defined pressure. In fact, the only injection parameter that Dusterhoft does disclose using is a defined air/hydraulic pressure. Furthermore, because Dusterhoft relies on an energy profile to change the amount of local deformation, this defined air pressure would likely need to be a constant so that the deformation is dependent only upon the energy profile.

Regarding claims 6, 7 and 25, Applicant submits Dusterhoft fails to disclose varying the pressure during injection. In particular, Dusterhoft discloses applying compressed air of a defined pressure. (par. [0047]). Additionally, because Dusterhoft relies on the energy profile to control the local deformations, there is no reason to vary the air pressure. Thus, such a feature is not inherent in Dusterhoft.

Regarding claims 8 and 27, Applicant submits Dusterhoft fails to disclose or contemplate controlling the temperature of the fluid. The only controlled fluid variable is the defined pressure of the air.

Regarding claim 9, Applicant submits Dusterhoft does not expressly disclose controlling the injection parameters of the fluid such that expansion is stopped naturally by the solidifying of the constituent material. Rather, Dusterhoft explicitly discloses that it is the energy profile that is controlled to limit expansion.

Regarding claims 11 and 28, Applicant submits Dusterhoft fails to expressly disclose stopping the fluid injection after a predetermined time. Dusterhoft is silent with regard to the feature, instead, focusing on the applied energy of the energy profile.

Regarding claims 13 and 29, Applicant submits Dusterhoft fails to disclose maintaining a residual pressure of gas inside the container and filling the container with a liquid under a gas pressure at least equal to the residual pressure in the chamber. Specifically, Dusterhoft only discloses using either a gas or a hydraulic medium to cause the deformation after applying a defined energy to a thin side wall 2; Dusterhoft fails to disclose filling with both a gas and a liquid. Furthermore, absent in Dusterhoft is any disclosure related to filling with liquid after forming with a gas.

Regarding claim 18, Applicant submits Dusterhoft fails to disclose that the hydraulic medium is hot.

Regarding claim 19 and 32, Applicants submits Dusterhoft fails to disclose introducing a predetermined volume of fluid into a compartment and placing the compartment in sealed communication with the preform. In particular, Dusterhoft merely discloses that compressed air

of a defined pressure is used to cause deformation. There is simply no disclosure even remotely related to introducing a predetermined volume of fluid into a compartment.

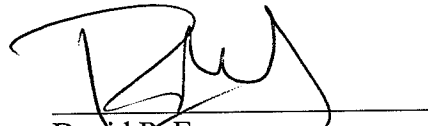
Thus, Applicant submits dependent claims 3, 5-9, 11, 13, 18-19, 23, 25-29 and 32 are allowable for the additional reasons set forth above.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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